

**2011 DRAFTING REQUEST**

**Bill**

Received: **01/18/2012**

Received By: **rchampag**

Wanted: **Soon**

Companion to LRB:

For: **Howard Marklein (608) 266-7502**

By/Representing: **Crystal**

May Contact:

Drafter: **rchampag**

Subject: **Employ Pub - employee benefits  
Legislature - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Marklein@legis.wi.gov**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Elimination of legislator sick leave

**Instructions:**

Same as 11-0281, but limit to legislators

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 01/19/2012	jdye 01/25/2012					State
/1			rschluet 01/25/2012		lparisi 01/25/2012		State
/2	rchampag 01/26/2012	jdye 01/27/2012	rschluet 01/27/2012		lparisi 01/27/2012	ggodwin 02/01/2012	

FE Sent For: **02/01/2012.**

(→ ("1/2")) ← See attached

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/1			rschluet 01/25/2012	_____	lparisi 01/25/2012		State
/2	rchampag 01/26/2012	jdyer 01/27/2012	rschluet 01/27/2012	_____	lparisi 01/27/2012		

FE Sent For:

02-01-2012  
("1/2")

See attached

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/1	2 1/27 jld	rschluet 01/25/2012			lparisi 01/25/2012		

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/?	rchampag			_____ _____			

FE Sent For:

<END>



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-0281/1  
RAC:kpe&nwn:md

LRB-3843/1

RAC:jld

2011 BILL

*-repeal cat.*

1 AN ACT *to renumber and amend* 13.121 (4), 230.35 (2) and 757.02 (5); and *to*  
2 *create* 13.121 (4) (b), 230.35 (2) (b) and 757.02 (5) (b) of the statutes; *relating*

3 *to: elimination of sick leave for legislators, justices and judges, and all other*  
4 *state elected officials. state senators and representatives to the assembly*

*Analysis by the Legislative Reference Bureau*

Under current law, a state employee in a position that is covered under the Wisconsin Retirement System (WRS) is entitled to receive paid sick leave as part of his or her compensation under the state compensation plan, at the election of the employer, or pursuant to a collective bargaining agreement. If a state employee does not use all of his or her sick leave during a calendar year, he or she may accumulate this unused sick leave from year to year in a sick leave account. Generally, if a state employee terminates covered employment under the WRS and meets certain conditions related to age or years of employment, the employee's accumulated unused sick leave may be converted, at his or her highest basic pay rate, to credits for the payment of postretirement health insurance premiums under a health insurance plan administered by the Group Insurance Board.

This bill provides that:

1. No member of the legislature may receive sick leave as a member of the legislature during any term of office that begins after the bill's effective date.

2. No supreme court justice, court of appeals judge, or circuit court judge may receive sick leave as a supreme court justice, court of appeals judge, or circuit court

**BILL**

judge beginning on the date that the next justice or judge assumes office after the bill's effective date.

3. No other state elected official, including a district attorney, may receive sick leave while in state office during any term of office that begins after the bill's effective date.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

SECTION 1. 13.121 (4) of the statutes is renumbered 13.121 (4) (a) and amended to read:

13.121 (4) (a) For the purpose of premium determinations under s. 40.05 (4) and (5) each member of the legislature shall accrue sick leave at a rate equivalent to a percentage of time worked recommended for such positions by the director of the office of state employment relations and approved by the joint committee on employment relations in the same manner as compensation for such positions is determined under s. 20.923, except as provided in par. (b). This percentage of time worked shall be applied to the sick leave accrual rate established under s. 230.35 (2). The approved percentage shall be incorporated into the compensation plan under s. 230.12 (1).

SECTION 2. 13.121 (4) (b) of the statutes is created to read:

13.121 (4) (b) No member of the legislature may receive sick leave as a member of the legislature during any term of office that begins after the effective date of this paragraph .... [LRB inserts date].

SECTION 3. 230.35 (2) of the statutes is renumbered 230.35 (2) (a) and amended to read:

**BILL**

1       230.35 (2) (a) ~~Leave~~ Subject to par. (b), leave of absence with pay owing to  
2       sickness and leave of absence without pay, other than annual leave and leave under  
3       s. 103.10, shall be regulated by rules of the director, except that unused sick leave  
4       shall accumulate from year to year. After July 1, 1973, employees appointed to  
5       career executive positions under the program established under s. 230.24 or  
6       positions designated in s. 19.42 (10) (L) or 20.923 (4), (7), (8), and (9) or authorized  
7       under s. 230.08 (2) (e) shall have any unused sick leave credits restored if they are  
8       reemployed in a career executive position or in a position under s. 19.42 (10) (L) or  
9       20.923 (4), (7), (8), and (9) or authorized under s. 230.08 (2) (e), regardless of the  
10      duration of their absence. Restoration of unused sick leave credits if reemployment  
11      is to a position other than those specified above shall be in accordance with rules of  
12      the director.

13       **SECTION 4.** 230.35 (2) (b) of the statutes is created to read:

14       230.35 (2) (b) A person who holds a state office, as defined in s. 5.02 (23), and  
15       who accrues sick leave under this subsection may not receive sick leave while in state  
16       office during any term of office that begins after the effective date of this paragraph  
17       .... [LRB inserts date].

18       **SECTION 5.** 757.02 (5) of the statutes is renumbered 757.02 (5) (a) and amended  
19       to read:

20       757.02 (5) (a) Except for retired judges appointed under s. 753.075, and except  
21       as provided in par. (b), each supreme court justice, court of appeals judge and circuit  
22       court judge included under ch. 40 shall accrue sick leave at the rate established  
23       under s. 230.35 (2) for the purpose of credits under s. 40.05 (4) (b) and for premium  
24       payment determinations under s. 40.05 (4) and (5).

25       **SECTION 6.** 757.02 (5) (b) of the statutes is created to read:

# BILL

## SECTION 6

757.02 (5) (b) No supreme court justice, court of appeals judge, or circuit court judge may receive sick leave as a supreme court justice, court of appeals judge, or circuit court judge included under ch. 40 beginning on the date that the next supreme court justice, court of appeals judge, or circuit court judge assumes office after the effective date of this paragraph .... [LRB inserts date].

**(END)**



**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3843/linsRC  
RAC:.....

**Insert Analysis:**

Currently, individuals employed by the state, including state senators and representatives to the assembly, are generally entitled to receive paid sick leave as part of their compensation. If a state employee does not use all of his or her sick leave during a calendar year, he or she may accumulate unused sick leave from year to year in a sick leave account. Generally, if a state employee terminates employment and meets certain conditions related to age or years of employment, the employee's accumulated unused sick leave may be converted, at his or her highest basic pay rate, to credits for the payment of postretirement health insurance premiums under a health insurance plan administered by the Group Insurance Board.

This bill provides that no state senator or representative to the assembly may receive sick leave as a state senator or representative to the assembly during any term of office that begins after the bill's effective date.

(end ins analysis)

## Champagne, Rick

---

**From:** Lee, Crystal  
**Sent:** Thursday, January 26, 2012 2:51 PM  
**To:** Champagne, Rick  
**Subject:** RE: LRB 3843 relating to: the elimination of sick leave for state senators and representatives to the assembly

Thanks!

*Crystal Lee*

Legislative Assistant  
Office of State Representative Howard Marklein  
51st Assembly District  
608-266-7502  
Crystal.Lee@legis.wi.gov

---

**From:** Champagne, Rick  
**Sent:** Thursday, January 26, 2012 2:46 PM  
**To:** Lee, Crystal  
**Cc:** Marklein, Howard  
**Subject:** RE: LRB 3843 relating to: the elimination of sick leave for state senators and representatives to the assembly

Not a problem, Crystal. I will redraft.

---

**From:** Lee, Crystal  
**Sent:** Thursday, January 26, 2012 2:45 PM  
**To:** Champagne, Rick  
**Cc:** Marklein, Howard; Lee, Crystal  
**Subject:** LRB 3843 relating to: the elimination of sick leave for state senators and representatives to the assembly

Rick,

I hope you're doing well. Thank you for the first draft of this.

Howard made some corrections to the LRB Analysis that he wants reflected into the legislation. He wants to emphasize that these benefits, once acquired by the legislators prior to the bill's effective date, will not be affected by this legislation.

The second to the last paragraph, he corrected to read:

"The bill provides that no state senator or representative to the assembly may **earn any additional** sick leave as a state senator or representative to the assembly during any term of office that begins after the bill's effective date. **This bill does not affect any sick leave earned prior to the enactment of this bill.**"

Is there any way we can change the bill's statutory language to reflect the changes Howard made in the LRB analysis?

Thank you!

Let me know if you have any questions or concerns.

Sincerely,

*Crystal Lee*

Legislative Assistant  
Office of State Representative Howard Marklein  
51st Assembly District  
608-266-7502

Crystal.Lee@legis.wi.gov



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3843/2

RACjld:rs

RMR

*soon*  
2011 BILL

*to the assembly*

*No # The bill does not affect any sick leave accrued by a state senator or representative during a term of office that began before the bill's effective date.*

*1-5-11 ref.*

1 AN ACT *to renumber and amend* 13.121 (4); and *to create* 13.121 (4) (b) of the  
2 statutes; **relating to:** elimination of sick leave for state senators and  
3 representatives to the assembly.

***Analysis by the Legislative Reference Bureau***

Currently, individuals employed by the state, including state senators and representatives to the assembly, are generally entitled to receive paid sick leave as part of their compensation. If a state employee does not use all of his or her sick leave during a calendar year, he or she may accumulate unused sick leave from year to year in a sick leave account. Generally, if a state employee terminates employment and meets certain conditions related to age or years of employment, the employee's accumulated unused sick leave may be converted, at his or her highest basic pay rate, to credits for the payment of postretirement health insurance premiums under a health insurance plan administered by the Group Insurance Board.

*accrue any new*  
This bill provides that no state senator or representative to the assembly may ~~receive~~ sick leave as a state senator or representative to the assembly during any term of office that begins after the bill's effective date.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**BILL**

1           **SECTION 1.** 13.121 (4) of the statutes is renumbered 13.121 (4) (a) and amended  
2 to read:

3           13.121 (4) (a) For the purpose of premium determinations under s. 40.05 (4)  
4 and (5) each member of the legislature shall accrue sick leave at a rate equivalent  
5 to a percentage of time worked recommended for such positions by the director of the  
6 office of state employment relations and approved by the joint committee on  
7 employment relations in the same manner as compensation for such positions is  
8 determined under s. 20.923, except as provided in par. (b). This percentage of time  
9 worked shall be applied to the sick leave accrual rate established under s. 230.35 (2).  
10 The approved percentage shall be incorporated into the compensation plan under s.  
11 230.12 (1).

12           **SECTION 2.** 13.121 (4) (b) of the statutes is created to read:

13           13.121 (4) (b) No member of the legislature may ~~receive~~ <sup>accrue any new</sup> sick leave as a member  
14 of the legislature during any term of office that begins after the effective date of this  
15 paragraph .... [LRB inserts date].

16 (END)

NO  
# Nothing in this paragraph ~~begin~~ <sup>began</sup> affects any  
sick leave accrued by a member of the legislature  
during a term of office that <sup>began</sup> began before the  
effective date of <sup>this</sup> this paragraph .... [LRB  
inserts date].

**Barman, Mike**

---

**From:** Godwin, Gigi  
**Sent:** Wednesday, February 01, 2012 9:23 AM  
**To:** Barman, Mike  
**Subject:** FW: Submitted: LRB 11-3843/2 Topic: Elimination of legislator sick leave?body=

Mike, does this go to you? Thanks, Gigi

**Gigi Godwin, Program Assistant**  
**State of Wisconsin - Legislative Reference Bureau**  
**1 East Main Street, Suite 200**  
**Madison, WI 53703**  
**(608) 266-3561**  
**[Gigi.Godwin@legis.wisconsin.gov](mailto:Gigi.Godwin@legis.wisconsin.gov)**

---

**From:** Rep.Marklein  
**Sent:** Wednesday, February 01, 2012 9:15 AM  
**To:** LRB.Legal  
**Cc:** Marklein, Howard  
**Subject:** Submitted: LRB 11-3843/2 Topic: Elimination of legislator sick leave?body=

Fiscal Estimate request. Please contact with any questions or concerns. Thank you!

*Crystal Lee*  
Legislative Assistant  
Office of State Representative Howard Marklein  
51st Assembly District  
608-266-7502  
[Crystal.Lee@legis.wi.gov](mailto:Crystal.Lee@legis.wi.gov)

**Godwin, Gigi**

---

**From:** Rep.Marklein  
**Sent:** Wednesday, February 01, 2012 11:02 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3843/2 Topic: Elimination of legislator sick leave

Please Jacket LRB 11-3843/2 for the ASSEMBLY.

# Memo

To: Representative **Marklein**

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2011 session draft.**

**LRB Number: LRB-3843**

**Version: " /2 "**

**Fiscal Estimate Prepared By: (agency abbr.) LFB**

**If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.**

**Entered In Computer And Copy Sent To Requester Via E-Mail: 02 / 08 / 2012**

**\* \* \* \* \***

**To: LRB – Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Un-introduced Draft*

**> If re-drafted ...** please insert this cover sheet and attached early fiscal estimate into the drafting file "guts" ... after the draft's old version (the version that this fiscal estimate was based on), and just before re-draft of the updated version.

**> If introduced ...** please make sure the attached fiscal estimate is for the **current version** ... write the draft's new introduction number below and give this packet to Mike (or Tom) to re-process the fiscal estimate (w/intro. number included).

**THIS DRAFT WAS INTRODUCED AS: 2011**

*AB 653*



**Barman, Mike**

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**From:** LRB.Legal  
**Sent:** Wednesday, February 08, 2012 3:32 PM  
**To:** Rep.Marklein  
**Cc:** Lee, Crystal  
**Subject:** LRB-3843/2 (un-introduced) (FE by LFB - attached - for your review)

**Attachments:** FE-3843\_LFB.PDF



FE-3843\_LFB.PDF  
(53 KB)

**Subject: Public Employee Benefits & Legislature**

**Mike Barman (Lead Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

# Memo

To: Senator/Representative

Marklein

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2011 session draft.**

**LRB Number: LRB-3843**

**Version: " /2 "**

**Fiscal Estimate Prepared By: (agency abbr.) OSER**

**If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.**

**Entered In Computer And Copy Sent To Requester Via E-Mail: 02 / 13 / 2012**

**\* \* \* \* \***

**To: LRB – Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Un-introduced Draft*

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**THIS DRAFT WAS INTRODUCED AS: 2011 \_\_\_\_\_**

**Barman, Mike**

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**From:** LRB.Legal  
**Sent:** Monday, February 13, 2012 10:00 AM  
**To:** Rep.Marklein  
**Cc:** Lee, Crystal  
**Subject:** LRB-3843/2 (un-introduced) (FE by OSER - attached - for your review)  
**Attachments:** FE-3843\_OSER.PDF



FE-3843\_OSER.PD  
F (74 KB)

**Subject: Employee Benefits & State Legislature**

**Mike Barman (Lead Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)

# Memo

To: Senator/Representative

**Marklein**

(The Draft's Requester)

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**LRB Number: LRB-3843**

**Version: “/2”**

**Fiscal Estimate Prepared By: (agency abbr.) ETF**

**If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.**

**Entered In Computer And Copy Sent To Requester Via E-Mail: 02 / 13 / 2012**

**\* \* \* \* \***

**To: LRB – Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Un-introduced Draft*

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**THIS DRAFT WAS INTRODUCED AS: 2011 \_\_\_\_\_**

**Barman, Mike**

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**From:** LRB.Legal  
**Sent:** Monday, February 13, 2012 10:04 AM  
**To:** Rep.Marklein  
**Cc:** Lee, Crystal  
**Subject:** LRB-3843/2 (un-introduced) (FE by ETF - attached - for your review)  
**Attachments:** FE-3843 ETF.PDF



FE-3843 ETF.PDF  
(83 KB)

**Subject: Pubic Employee Benefits / Legislature**

**Mike Barman (Lead Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)